

"St. Johns * * * Fresh Shrimp * * * The Smiling Brand * * * Packed By The Nassau Sound Packing Co. Jacksonville, Fla. S. S. Goffin, Proprietor Net Weight Wet Pack 5½ Oz."

Examination by the Bureau of Chemistry of this department showed that the average weight of 24 cans from one shipment was 5.35 ounces and that the average weight of 18 cans from the other shipment was 5.57 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight * * * 5½ Oz.," borne on the labels attached to the cans containing the said article, was false and misleading, in that it represented that each of said cans contained 5½ ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5½ ounces of the said article, whereas, in truth and in fact, each of said cans did not contain 5½ ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 8, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12206. Misbranding of olive oil. U. S. v. George P. Papadopoulos. Plea of guilty. Fine, \$100. (F. & D. No. 16966. I. S. Nos. 1809-t, 1810-t, 17029-t.)

On February 26, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George P. Papadopoulos, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about March 4, 1922, from the State of New York into the State of Missouri and into the District of Columbia of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Olio d'Oliva * * * Vergine * * * Net Contents Full Gallon" (or "Net Contents Full Quarter Gallon") "* * * G. P. Papadopoulos New York, U. S. A."

Examination by the Bureau of Chemistry of this department showed that the average volume of 22 so-called gallon cans from the shipment into the District of Columbia was 0.968 gallon and that the average volume of 10 so-called gallon cans from the shipment into Missouri was 0.971 gallon. Examination by said bureau showed that the average volume of 15 of the so-called quarter-gallon cans was 0.242 gallon.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents Full Gallon" and "Net Contents Full Quarter Gallon," borne on the respective-sized cans containing the article, were false and misleading in that they represented that each of the said cans contained one gallon net or one-quarter gallon net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon net or one-quarter gallon net of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amount declared on the respective labels but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12207. Adulteration and misbranding of butter. U. S. v. 1 Case of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18150. I. S. No. 15278-v. S. No. E-4634.)

On December 10, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 case of butter, remaining in the original unbroken package at Boston, Mass., alleging that the article had been shipped by the J. B. [J. G.] Turnbull Co., from Orleans, Vt., on or about November 19, 1923, and transported from the State of Vermont into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs